

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**TOUCHSTREAM TECHNOLOGIES,
INC.,**

Plaintiff,
v.

GOOGLE LLC,

Defendant.

Case No.: 6:21-cv-00569-ADA

JURY TRIAL DEMANDED


**OMNIBUS ORDER REGARDING PRETRIAL MOTIONS
(DKT. NOS. 127, 129, 130, 133, 134, 135, 136)**

The Court, having considered the pretrial motions filed by Plaintiff Touchstream Technologies, Inc. (“Touchstream”) and Defendant Google LLC. (“Google”) (Dkt. Nos. 127, 129, 130, 133, 134, 135, 136) and the parties’ arguments at the June 28, 2023 Pretrial Conference (Dkt. No. 223), rules as follows:

Motion	Ruling
Touchstream's Motion for Summary Judgment of Validity Under 35 U.S.C. 101 and To Dispose of GTS "System" Theories [ECF 134]	GRANTED as to Plaintiff’s motion for Validity Under 35 U.S.C. 101. DENIED as to everything else.
Google's Motion for Summary Judgment [ECF 130]	The Court construes “server system” and the “display device” as plain and ordinary meaning. GRANTED as to extraterritorial activity damages. DENIED as to pre and post suit willful infringement and permanent injunction.
Touchstream's Motion to Exclude Portions of Google's	GRANTED as to the exclusion of the Twonky system because the Twonky system has “materially identical” disclosures as the prior art it could have relied on in the

Motion	Ruling
Invalidity Contentions and Expert Report [ECF 136]	IPR. Dr. Meyer-Patel does not even cite the non-public Twonky documents for half of the claim limitations, and he certainly does not rely on them exclusively for <i>any</i> limitation. <i>See Wasica Fin. GmbH v. Schrader Int'l, Inc.</i> , 432 F. Supp. 3d 448, 454– 55 (D. Del. 2020). DENIED AS MOOT reliance on the Boxee and Zelfy Peel Systems and the Schwartz declaration.
Google's Daubert Motion to Exclude Certain Opinions of Damages Expert Mark J. Chandler [ECF 129]	DENIED. .
Touchstream's Motion to Exclude Expert Testimony of Dr. Ketan Mayer-Patel [ECF 135]	DENIED as to the opinions on the Google TV System (GTS). DENIED AS MOOT with respect to the Twonky System and 35 U.S.C. § 101.
Google's Daubert Motion to Exclude Certain Expert Opinions of Dr. Almeroth [ECF 127]	GRANTED as to any legal conclusions in Dr. Almeroth's report and opinions on secondary considerations of non-obviousness. DENIED as to his discussion on technical direction and control.
Touchstream's Motion to Exclude Certain Opinions and Testimony of Google's Damages Expert Christopher A. Martinez [ECF 133]	DENIED.

SIGNED this 14th day of July, 2023.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE